

**JCNW FAMILY, LLC
MASTER PLANNED DEVELOPMENT
CONCEPTUAL PLAN APPLICATION
PHILLIPS ESTATE PHASE III PUD, FILE NUMBER 11-07/24
SUPPLEMENTAL WRITTEN STATEMENT**

OWNER/APPLICANT:

JCNW Family, LLC
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Stayton, OR 97383

APPLICANT'S REPRESENTATIVE:

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SUBJECT PROPERTY INFORMATION

The Subject Property is located at 1601 Oriole Street in Stayton, Oregon (the “City”) and is identified as Tax Lot 3300 of the Marion County Assessor’s Map 09-1W-04-DB (the “**Subject Property**”). The Subject Property is depicted on the attached **Exhibit A**. The total acreage of the Subject Property is 7.11 acres. The Subject Property is designated “Residential” on the City’s comprehensive plan and zoned “Low-Density Residential” (LD) on the City’s zoning map (See Current Zoning Map, **Exhibit B**). The Subject Property is located within City limits and the City’s Urban Growth Boundary.

The surrounding Properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Outside City limits	N/A	Single family dwellings
South	Low-Density Residential	Residential	Single family dwellings
East	Low-Density Residential	Residential	Single family dwellings
West	Outside City limits	N/A	Single family dwellings

SUMMARY OF PROPOSAL:

Applicant is the owner of the Subject Property and proposes developing the Subject Property into a 22-lot Planned Unit Development (PUD) with lot sizes ranging from approximately 6,000 square feet to approximately 8,000 square feet per lot. Applicant also proposes dedicating 2.49 acres of open space to the City to be developed in compliance with Stayton Municipal Code (“**SMC**”). Under Section 17.24.090

of the SMC, Applicant is required to submit this application for approval of a Master Planned Development (the “**Application**”) and demonstrate conformance with various approval criteria.

EXISTING SITE CONDITIONS:

Existing site conditions of the Subject Property are depicted on Applicant’s “Preliminary Existing Conditions Plan” Map prepared by Multi-Tech Engineering and previously provided to the City. Existing site conditions are also described in Applicant’s April 21, 2025 written statement titled “Philips Estates Phase 3 Master Planned Development” prepared by Multi-Tech Engineering.

CONCEPTUAL PLAN:

This Application proposes a conceptual plan as part of a master planned development. A detailed master plan is required to be submitted within one year after the date of approval of the concept plan with the potential for a 6-month extension under certain circumstances. SMC 17.24.090(6)

The City engaged outside engineering counsel provided by AKS Engineering, Inc. (“**AKS**”) to assist in evaluating this Application and in providing additional comments to the Applicant. AKS prepared a report for the City dated July 28, 2025 and titled “Public Works Recommendations – Tentative 22-Lot Conceptual Master Planned Development Plan” regarding this Application.

Many of AKS’s comments and recommended conditions of approval in its July 28, 2025 report concern the mandatory approval criteria of SMC 17.24.090, which are addressed by the Applicant below. However, some of AKS’s comments and recommended conditions of approval concern detailed master plan requirements, which are not applicable approval or review criteria at this stage of the Application.

While the Applicant appreciates AKS’s comments and recommended conditions of approval relevant to the detailed master plan stage, this Application is solely seeking approval of a concept plan under the applicable approval criteria of SMC 17.24.090. Applicant has prepared proposed findings to support approval of its concept plan as detailed in the following section of this Application.

SUPPLEMENTAL FINDINGS IN RESPONSE TO CITY STAFF REPORT DATED JULY 21, 2025

The Staff Report dated July 21, 2025 identified a basis for denial of the application that is not based on the adopted mandatory approval criteria. It states:

“The subject parcel abuts the Phillips Estates I and II subdivisions, which were part of an earlier phased development. That prior development remains subject to a Final Arbitration Award issued on August 12, 2015, in City of Stayton v. JCNW Family LLC. The award found the developer in breach of key provisions of the Development Agreement due to the improper design and construction of a stormwater detention facility (Tract A), and imposed a multi-step remedial plan, including the requirement that “Respondent may not submit plans for Phase III of the development until the issues involved in Phase II have been resolved” Interpretation of the language was determined to be as ambiguous regarding which types of plans are restricted. Specifically, the clause does not clearly distinguish whether it applies to construction plans, land use applications, or both. Based on this interpretation, the application for the Phillips Estates III subdivision was accepted and deemed complete.

As far as the City can determine, the terms of the Final Award have not yet been fully satisfied. It remains unclear how much of the subject property will ultimately be required for public ownership to accommodate stormwater drainage, as the facility is intended to manage runoff from not only Phillips Estates I, II, and III, but also other areas of the city. This uncertainty significantly affects the ability to determine whether the application meets the minimum 25% open space requirement required under SMC 17.24.100.2.d. The Code specifies that this open space must be preserved and integrated into the plan, and land dedicated for public utility purposes may not meet that standard.”

The City staff and legal representatives met with the Applicant’s engineers and legal representatives. They agreed that the arbitration award is not relevant in the City’s land use review process. The Applicant is diligently working with the City to finalize the engineering for the drainage facilities described in the arbitration award; however, that is not related to any mandatory approval criteria and is not a basis for delaying or denying the proposal. Further, the City concurs that dedication of open space to the City is contemplated under the code and any future dedication of open space does not impact the application of the development standards.

Therefore, these bases are no longer considered by the parties to be relevant to the Planning Commission’s application of the approval criteria.

SUPPLEMENTAL FINDINGS APPLICABLE TO CITY CODE CRITERIA FOR APPROVAL OF A MASTER PLANNED DEVELOPMENT

The application and approval requirements for master planned developments are set out in SMC 17.24.090. The applicable provisions of this code section are set out in bold and italics below with Applicant’s proposed findings following in plain type.

- 1. PURPOSE STATEMENT. The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provides an attractive living and working environment.***

Proposed Finding: This Application is in conformance with the intent of the City’s “Residential” comprehensive plan designation. The development of the Subject Property will provide “needed housing” as defined by ORS 197A.018.

Factors set out in a purpose statement provide context for interpreting a code provision that requires the local government to determine that a proposed development is compatible with uses and development on adjacent land; however, factors set out in a purpose statement are not independent approval criteria. *Housing Authority of Jackson County v. City of Medford*, 65 Or LUBA 295 (2012). As such, conformance with this Purpose Statement is not an applicable approval criterion of this Application.

Applicant notes objectives such as “creative and efficient uses” of land and “attractive living and

working environment[s]” are subjective criteria that require interpretation or the exercise of policy or legal judgment. This makes a decision rendered under this Section a land use decision based on subjective criteria rather than a limited land use decision based on clear and objective criteria.

2. APPLICABILITY. *The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. However, the City shall require that the following types of development be processed using the provisions of this Section:*

- a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.***
- b. Where the land division is to occur on slopes of 15% slope or greater.***
- c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development. (Amended Ord. 949, April 17, 2013)***

Proposed Finding: ORS 197A.400(1) states a local government may adopt and apply “only clear and objective standards ... regulating the development of housing, included needed housing, on land within an urban growth boundary.” Needed housing applications should generally be processed as limited land use decisions based solely on clear and objective criteria, not as land use decisions based on policy or legal judgment (i.e., not clear and objective criteria).

Under the adopted code, Applicant is not afforded the ability to request a subdivision approval based on clear and objective criteria due to the text of SMC 17.24.090(2) above, which states in part:

“the City shall require that the following types of development be processed using the provisions of the Section: ... where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.”
[emphasis added]

The use of the word “shall” mandates that this Application be processed using the provisions of this Section because the Subject Property contains wetlands. It does not afford the Applicant the choice of having this Application considered under another Section, such as the “Subdivision and Partition Final Plats” section under SMC 17.24.080 regardless of the lot size.

Because the adopted code mandates all land divisions to be subject to master planning, ORS 197A.400(3) exceptions to the clear and objective rules are not applicable. Applicant to process its needed housing application under this Section requiring subjective criteria, while offering no alternative, has the cumulative effect of “discouraging needed housing through unreasonable cost or delay” forbidden by ORS 197A.400(1)(b). Therefore, the City cannot avail itself of the “safe harbor” provision of ORS 197A.400(3)(a) which would otherwise allow the City to process a needed housing application using subjective criteria.

3. APPLICATION AND INFORMATION REQUIREMENTS FOR CONCEPTUAL APPROVAL OF A MASTER PLANNED DEVELOPMENT. The application and submission requirements for a conceptual master planned development plan shall include:

Proposed Finding: AKS's memorandum fails to distinguish that SMC 17.24.090(3), Application and Approval Requirements for Conceptual Approval of a Master Planned Development, are not mandatory approval criteria. The City deemed the application complete June 5, 2025. The City may no longer request additional information for purposes of completeness. The City must evaluate the mandatory criteria based on the evidence in the record. The lack of information that the City could have requested, but previously waived during completeness review, is not a basis for denial of an application. See *Montgomery, v. City of Dunes City*, 60 Or LUBA 274, 289–90, 2010 WL 381374, at *12.

- a. Three copies of the conceptual plan at a scale of 1 inch equals not more than 50 feet including the general location of: streets, open space, residential development identified by type, and any commercial development including potential uses. In addition, 10 copies of the conceptual plan reduced to fit on an 11 X 17 page shall be submitted.**

Proposed Finding: Applicant has provided three copies of the conceptual plan at a scale of 1 inch equals 40 feet, depicting the general location of streets, open space, residential development, and any commercial development. Applicant has also provided 10 copies of the conceptual plan reduced to fit on an 11 X 17 page. This is not an approval criterion, but it still has been satisfied.

- b. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development such as the number of types of residential units, the range of lot sizes, and the size and scale of any non-residential uses. The statement shall also include a discussion of the rationale behind the assumptions and choices made by the applicant.**

Proposed Finding: Applicant provided a written statement of planning objectives including the description and character of its proposed development and a discussion of its rationale in its April 21, 2025 written statement titled "Philips Estates Phase 3 Master Planned Development" prepared by Multi-Tech Engineering. This is not an approval criterion, but it still has been satisfied.

- c. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.**

Proposed Finding: Applicant has accurately described the proposal. It is a single phase residential land division. Applicant intends to develop it as soon as possible. This is not an approval criterion, but it still has been satisfied.

- d. A statement of the applicant's intentions with regard to the future selling or**

leasing of all or portions of the planned development.

Proposed Finding: Applicant intends to sell all of the lots for development into needed housing (i.e., single family homes) as indicated on its conceptual plan and as indicated in its April 21, 2025 written statement titled “Philips Estates Phase 3 Master Planned Development.” Applicant is willing to provide a further statement on this criterion if requested. This is not an approval criterion, but it still has been satisfied.

- e. Existing Conditions map. At a minimum, the existing conditions map shall show the applicant’s entire property and the surrounding property to a distance of 300 feet to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified by:***

Proposed Finding: Applicant has provided a revised existing conditions map attached hereto which shows the Applicant’s entire property and the surrounding property to a distance of 300 feet sufficient to determine the location of the development in the City and the relationship between the proposed development site, adjacent property, and development. This is not an approval criterion, but it still has been satisfied.

- 1) The location and width of all streets drives, sidewalks, pathways, rights-of-way and easements on the site and adjoining the site:***

Proposed Finding: Applicant’s revised existing conditions map shows the location and width of all streets, drives, sidewalks, pathways, rights-of-way, and easement on the site and adjoining the site. This is not an approval criterion, but it still has been satisfied.

- 2) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards.***

Proposed Finding: There are no potential natural hazard areas, including 100-year flood, high water table, or geologic hazard areas, within development area proposed by this Application. This is not an approval criterion, but it still has been satisfied.

- 3) Resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.***

Proposed Finding: Applicant’s revised existing conditions map identifies the applicable resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection. This is not an approval criterion, but it still has been satisfied.

- 4) Site features including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.***

Proposed Finding: Applicant's revised existing conditions map shows the above-listed site features as applicable. This is not an approval criterion, but it still has been satisfied.

5) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.

Proposed Finding: There are no locally or federally designated historic or cultural resources on the site, adjacent parcels, or lots. This is not an approval criterion, but it still has been satisfied.

6) The location, size and species of isolated trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade. The map shall also show the general location of groves of trees larger than 3,000 square feet and indicate the location of any specimen trees to be preserved in the development process in accordance with Section 17.20.150.

Proposed Finding: Applicant's revised existing conditions map shows the location, size, and species of isolated trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade. It also shows the general location of groves of trees larger than 3,000 square feet and indicates the location of any specimen trees to be preserved in the development process in accordance with Section 17.20.150. This is not an approval criterion, but it still has been satisfied.

7) Location and impact on any facilities in the adopted Water, Sewer, Transportation, Storm Drainage, and Parks Master Plans.

Proposed Finding: Applicant has submitted utility plans showing proposed and existing water, sewer, and storm utilities and streets. This is not an approval criterion, but it still has been satisfied.

4. PROFESSIONAL DESIGN TEAM. A professional design team shall be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be involved in the preparation of the concept and detailed plan.

a. A licensed architect or professional designer

Proposed Finding: Applicant has identified Pete Melin as its architect/professional designer as noted in its "Application for Preliminary Approval of a Master Planned Development" submitted to the City and included in the record. This is not an approval criterion, but it still has been satisfied.

b. A registered professional engineer

Proposed Finding: Applicant has identified Mark Grenz, P.E. as its registered professional engineer as noted in its "Application for Preliminary Approval of a Master Planned Development" submitted to the City and included in the record. This is not an approval criterion, but it still has been satisfied.

c. A landscape architect or landscape designer.

Proposed Finding: Applicant has identified Erin Holsonback as its landscape architect/landscape designer as noted in its “Application for Preliminary Approval of a Master Planned Development” submitted to the City and included in the record. This is not an approval criterion, but it still has been satisfied.

5. **CONCEPT PLAN APPROVAL CRITERIA.** *The decision authority shall review the concept plan and make findings and conclusions as to compliance with the following criteria. The decision authority may approve the concept plan with conditions of approval necessary to assure that the proposed development meets the following standards.*

- a. *All relevant provisions of the Comprehensive Plan are met.*

Proposed Finding: The Applicant’s narrative describes how the proposal complies with the identified comprehensive plan policies and goals. The Staff report did not provide any comment regarding these policies or goals.

The draft proposed order contained the following:

“Analysis: The parcel included in the proposed development contains identified significant wetlands. The City’s Comprehensive Plan, under Natural & Historic Resource Goals and Policies, establishes the goal that “Identified Significant Wetlands Will Continue Their Functions Unimpaired by Development Activity,” and states under Policy NR-8 that “all development on properties containing significant wetlands be processed as a master planned development.” The application has been submitted and is being processed as a master planned development, consistent with this policy, allowing for consideration of potential impacts to the wetlands through the review process.”

Applicant concurs with the proposed finding. The proposal complies with the applicable Comprehensive Planning Policy.

The draft proposed order further states:

“According to Stayton Municipal Code (SMC) 17.24.100.2.d – Master Planned Development Design Standards, a minimum of 25% of the development area must be preserved as open space. It is currently unclear whether the proposed development meets this requirement, as a portion of the parcel is proposed to be used for public stormwater detention. While the application satisfies the requirement to be reviewed as a master planned development, further clarification is needed to determine whether the minimum open space requirement will be met.”

Applicant responds that the City and Applicant have discussed, and now concur that the dedication of open space, in whole or in part, does not reduce the area deemed open space under SMC 17.24.90 and 100. Therefore, this comment is no longer applicable. Additionally, Applicant notes that (SMC) 17.24.100.2.d is not a comprehensive plan policy.

As a matter of law, Applicant’s proposal is for needed housing and subject to the limitations of ORS 197.400(1). The above criterion is ambiguous and unclear. Therefore, it cannot be the basis of any denial. Similarly, as the Applicant is unable to obtain land division approval except for proceeding the City’s master plan approval criteria, it is a limited land use decision for which

only codified approval standards and criteria may be applied. ORS 197.015(12). The City may not deny the application based on a failure to adhere to comprehensive plan policies – especially unidentified policies. ORS 197.195.

b. The proposed Master Planned Development will be reasonably compatible with the surrounding neighborhood.

City Staff Finding: *“In addition to the unresolved stormwater and open space issues, the proposed lot sizes in Phillips Estates III are not reasonably compatible with the surrounding neighborhood. Most of the lots in Phillips Estates I and II are approximately 8,276 square feet (0.19 acres), consistent with the minimum 8,000-square-foot lot size in the Low Density Residential (LD) zone. The current proposal introduces smaller lots without a meaningful transition or buffering, particularly along Pheasant Avenue, where some existing homes would back onto two new lots, rather than a one-to-one lot interface. This pattern raises legitimate concerns about impacts to neighborhood character and resident privacy.”*

Proposed Finding:

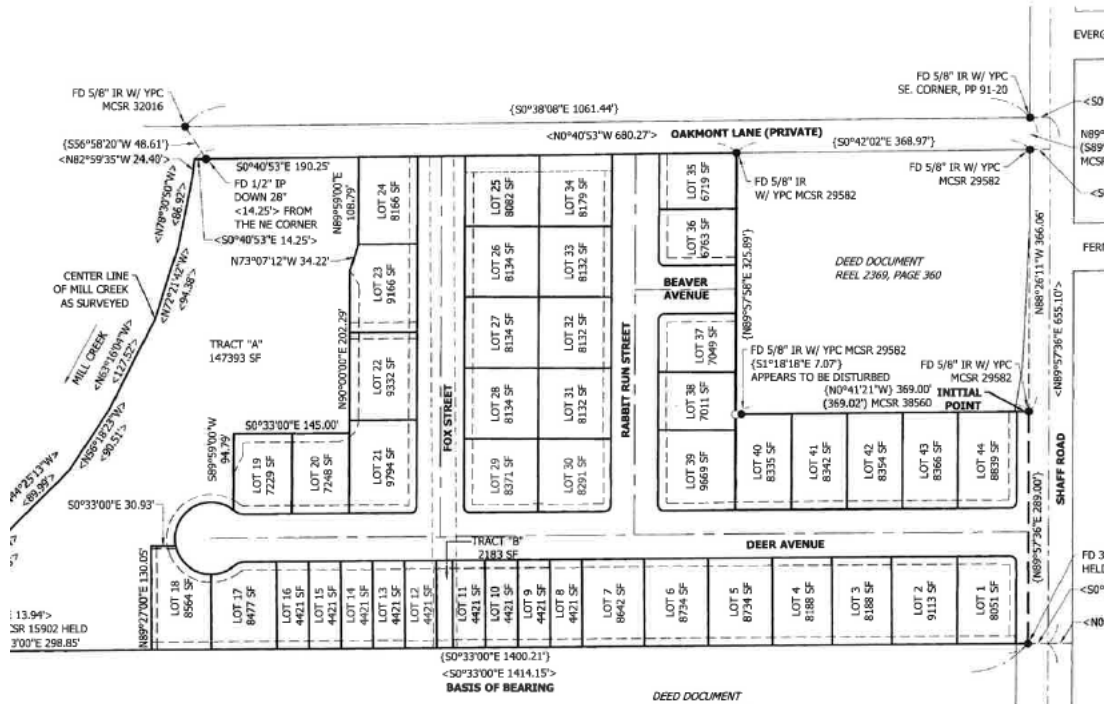
Applicant has submitted a revised existing conditions plan that shows both a light industrial zoned facility (James Crowther – Northwest RV Repair Center) and a manufactured home park (Oak Estates MHC LLC) directly west of the subject property. The single family residential uses east of the subject property along Pheasant Ave are buffered from impacts of these industrial uses and high density uses by the proposed open space and residential uses. The single family residential lots that are approximately 78.6 percent of the size of the abutting residential lots. This minor change is necessary to provide the significant dedication of open space (108,351 sq. ft.) or almost 35 percent of the subject property.

The suggestion that the lots are not aligned perfectly with the abutting lots, and they are therefore not “reasonably compatible” is inconsistent with the plain text of the code and its purpose. It would essentially require identical lots sizes. Moreover, there is no factual basis to support that lots not being identically aligned impacts privacy or any other existing residential uses. In fact, the same lack of alignment would occur if the lots were larger or even if they were identical size but not aligned.

The City approved lot sizes as low as 4,000 square feet in the recent Wildlife Meadows subdivision See below:

WILDLIFE MEADOWS

IN THE SW 1/4 OF SECTION 3, T. 9 S., R. 1 W., W.M.
CITY OF STAYTON, MARION COUNTY, OREGON
LAND USE FILE #3-01/16
NOVEMBER 18, 2016



This is a subdivision that demonstrates that significantly smaller than the requested lots can be compatible with the surrounding residential neighborhoods. Given this recent precedent, the fact that the open space is so large, and that the lots are within 78.6 percent of standard, the Applicant has proven its proposal is reasonably compatible with the surrounding neighborhood when all uses are taken into account.

- c. There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.**

The draft proposed order contained the following:

"Analysis: There are special physical conditions present on the site that warrant a departure from standard ordinance requirements. Specifically, the presence of significant wetlands and the need to accommodate a publicly owned stormwater detention facility create constraints that limit the usable area for residential development.

However, while these physical features may justify some flexibility in the application of standard requirements, they do not fully explain or justify the extent of the proposed departure from the surrounding lot pattern or open space provisions. The proposed density and lack of transitional lot sizes are not clearly necessitated by the site's physical constraints. Furthermore, it remains unclear whether the 25% open space requirement under SMC 17.24.100.2.d is being met, particularly if portions of the site are to be dedicated for stormwater infrastructure."

Proposed Finding: Staff's comments in the staff report did not relate to this criterion; however, the draft proposed order analysis did make the above comment.

The Subject Property contains a wetland that must be dedicated to the City to operate as future water quality facility and open space uses such as trails. The open space at over 108,000 square feet is significant. The Applicant is significantly increasing the undeveloped land and open space of the community, which justifies the requested reduction from the lot size standards. The average lot size is 6,294 square feet, which is less than a twenty-two (22%) departure from the standard. Even if every lot was 8,000 square feet, that would only account for an additional 1,706 square feet per lot or 37,532 square feet overall. In other words, the total amount of deviation from standard is 37,532 square feet. The Applicant's identified open space is almost three times the amount of this deviation. The evidence in the record supports finding that a departure is warranted.

Applicant also notes that staff's suggested interpretation is that the criteria that the degree of the departure is warranted rather than merely finding that "a departure from the standard" is warranted. This interpretation is inconsistent with the plain text and imputes even more ambiguity into the criterion than is already included. It is the City's obligation to apply all the criteria only in a clear and unambiguous manner. The suggested interpretation is unlawful under ORS 197.400(1).

Applicant satisfies the plain text of this criterion and requests the Planning Commission to approve the application.

- d. If there are proposed uses that are not allowed in the underlying zone, those uses shall be compatible with the proposed development and the surrounding neighborhoods and viable in that location.***

Proposed Finding: There are no proposed uses in this Application that are not allowed in the underlying Low Density (LD) residential zone. This criterion is satisfied.

6. *TIMELINE FOR FILING A DETAILED MASTER PLAN: Within one year after the date of approval of the concept plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of this Section.*

- a. Extension. If deemed necessary by the decision authority, a 6-month extension to the one year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval provided:***
 - i. The applicant can show intent of applying for detailed development plan review within the 6-month extension period.***
 - ii. There have been no changes to the applicable Comprehensive Plan policies and Code provisions on which the approval was based.***

Proposed Finding: The above subsection 6 does not contain approval criteria applicable to this stage of the Application; however, Applicant is prepared to file with the City Planner a detailed

development plan in conformance with subsections 6 and 7 of SMC 17.24.090 within one year of approval of its concept plan.

7. APPLICATION AND INFORMATION REQUIREMENTS FOR DETAILED APPROVAL OF A MASTER PLANNED DEVELOPMENT.

- a. The application and submission requirements for a detailed master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the detailed plan shall include:*
- b. A narrative documenting compliance with the all applicable approval criteria contained in Section 17.24.100.*
- c. Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential geologic, noise, environmental, natural resource, and other impacts and required mitigation.*
- d. Detailed site plan, including:*
 - 1) Lot configuration and identification of proposed uses*
 - 2) Residential density (by phase, if a phased project) expressed in dwelling units per acre of land for each type of residential development and for the entire development*
 - 3) Circulation plan including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities and their connections to existing or proposed off-site facilities.*
 - 4) Open space plan including:*
 - a. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, trails, public parks, recreational areas, and similar public, semi public areas and uses.*
 - b. Design of trails or open space areas including proposed landscaping.*
 - c. Design of any structures such as playgrounds, sports facilities, and park shelters.*
 - 5) Location of all potential fences including proposed materials and transparency.*
 - 6) Lighting plan meeting the requirements of Section 17.20.170*
 - 7) Landscaping plan meeting the requirements of Section 17.20.090*

8) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)

9) Architectural plan including:

- a. Narrative description of proposed building styles for all residential, commercial or other structures.**
- b. Building footprints**
- c. Proposed Codes, Covenants & Restrictions for all residential lots that meet the applicable requirements of Sections 17.20.190, 17.20.200 and 17.24.100.**
- d. Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.**

10) Sign plan that includes size, style, and location of any proposed signs.

Proposed Finding: The above subsection 7 does not contain approval criteria applicable to this stage of the Application; however, Applicant is prepared to file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of SMC 17.24.090 within one year of approval of its concept plan.

8. DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA. The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and the conditions of its approval. Minor changes to the approved concept plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below.

a. The detailed development plan shall meet all applicable approval criteria of Sections 17.12.220, 17.24.050, 17.24.100, and Chapter 17.26.

b. If a phased development, each phase shall be:

- 1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.**
- 2) Arranged to avoid conflicts between higher and lower density development.**
- 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.**

- 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.***

Proposed Finding: The above subsection 8 does not contain approval criteria applicable to this stage of the Application; however, Applicant is prepared to file with the City Planner a detailed development plan in conformance with the requirements of this subsection.

CONCLUSION

Based on the findings contained in this supplemental written statement, Applicant has satisfactorily addressed the applicable criteria for approval of its Master Planned Development Conceptual Plan. Applicant respectfully requests that the Application be approved.